

Remarks

1. Summary of the Office Action

In the Office Action mailed August 1, 2006, the Examiner rejected claims 11, 16-17, and 40-52 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Further, the Examiner rejected claims 11, 16-17, 33, 42, 44-56, and 59-61 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,043,286 (Leason), and claims 11, 16-17, 33, 42, 44-56, and 59-61 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,597,895 (Maeda). Further still, the Examiner rejected claims 40-41 and 57-58 under 35 U.S.C. § 103(a) as being unpatentable over Leason in view of U.S. Patent No. 5,778,304 (Grube et al.), claim 43 under 35 U.S.C. § 103(a) as being unpatentable over Leason in view of U.S. Patent Application No. 20010031641 (Ung et al.), and claim 43 under 35 U.S.C. § 103(a) as being unpatentable over Leason in view of U.S. Patent No. 6,773,344 (Gabai et al.).

2. Status of Pending Claims

Claims 11, 16-17, 33, and 40-61 are pending in this application. Claims 11 and 53 are independent.

3. Payment of Fees

Applicant believes that no additional fees are required. However, should any additional fee(s) under 37 C.F.R. §§ 1.16-1.21 be required, please charge such fee(s) or credit any overpayment of fee(s) to Deposit Account No. 210765.

4. Response to Claim Rejections

a. Rejections under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 11, 16-17, and 40-52 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. The Examiner

indicated the claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the Examiner stated “[c]laim 1 recites ‘wherein the fir [SIC] entity comprising at least one transmitter radiating the control signal in a radiation pattern defining a boundary of the given location’.” The Examiner indicated he was unable determine where the element of “the boundary being defined by a radiation pattern of the control signal” is disclosed.

Claim 1 has previously been cancelled. However, claim 11 recites the element “wherein the first entity comprises at least one transmitter radiating the control signal in a radiation pattern defining a boundary of the given location.” Applicant submits that support for this claim element may be found in the specification. For example, the specification recites “[t]he control signal may, for instance, be emitted regularly (e.g., periodically or continuously) by one or more low-power transmitters within an area (so that the radiation pattern of the transmitter(s) may effectively define the boundaries of the location.)” (Specification, page 3, lines 22-25). Additional support for this claim element may be found in the specification, for example, at page 8, lines 23-25, and page 9, lines 6-7.

Since the specification supports the recited claim element “wherein the first entity comprises at least one transmitter radiating the control signal in a radiation pattern defining a boundary of the given location,” Applicant requests that the rejection of claims 11, 16-17, and 40-52 under 35 U.S.C. § 112, first paragraph, be withdrawn.

b. Rejections under 35 U.S.C. §§ 102 using Maeda

The Examiner rejected claims 11, 16-17, 33, 42, 44-56, and 59-61 under 35 U.S.C. § 102(e) as being anticipated by Maeda. Under M.P.E.P. § 2131, a claim is anticipated only if

each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Applicant submits that independent claims 11 and 53 clearly distinguish over Maeda, because Maeda fails to disclose or suggest all of the limitations of any of these claims. In particular, Maeda does not teach or suggest at least the element of *the device receiving the set of alternative control logic from the second entity*, as recited in claims 11 and 53.

In rejecting claims 11 and 53, the Examiner indicated that Maeda teaches “when the device is in a given location, the device receiving from a *first entity (command transmitter 7, fig. 3)* a control signal associated with the given location (col. 3, lines 48-55), and the device responsively asking a *second entity (processing circuit 21, fig. 1)* for a set of alternative control logic to be executed by the device when the device receives the ring signal.” (Office Action mailed August 1, 2006, pages 5-6, section 8, second paragraph, emphasis added). Thus according to the Examiner, Maeda teaches that a ‘command transmitter 7’ is the ‘first entity’ and a ‘processing circuit 21’ is the ‘second entity.’

Based on the Examiner’s assertion that Maeda teaches “the device receiving from a first entity (command transmitter 7, fig. 3) a control signal associated with the given location (col. 3, lines 48-55),” Applicant believes the Examiner has asserted that a radio terminal including a command receiving circuit 31 and the processing circuit 21 is a device that receives from the first entity a control signal associated with the given location. (See, e.g., Maeda, Figure 1, Figure 3 and col. 3, lines 48-55).

In rejecting claims 11 and 53, the Examiner also indicated that Maeda teaches the device receiving the set of alternative control logic from the second entity and the device storing the set of alternative control logic in data storage. However, it is illogical to assert that Maeda teaches

the device (e.g., the radio terminal with the command receiving circuit 31) receiving alternative control logic from the second entity (i.e., the processing circuit 21, according to the Examiner), because Maeda teaches that the radio terminal ***includes the processing circuit 21***. (See, e.g., Maeda, Figure 1, and col. 2, lines 28-33, and col. 2, lines 50-51). Since the radio terminal includes the processing circuit 21, the radio terminal cannot receive alternative control logic from the processing circuit 21 as the radio terminal already possesses what the processing circuit possesses.

Moreover, in asserting that Maeda teaches the device receiving the set of alternative control logic from the second entity and the device storing the set of alternative control logic in data storage (memory 22), the Examiner cited to Maeda, col. 3, lines 50-67. This section of Maeda states:

[At first, as shown in FIG. 3, a command transmitter 7 is placed in an area intended to restrict the operation mode of] radio terminal (hereinafter referred to as operation mode restriction area), such as a theater, a hospital and a train. The command transmitter 7 sends weak radio wave to cover the entire operation mode restriction area. On the weak radio wave sent from the command transmitter 7, a command for restricting the operation mode of radio terminal is superposed. When the radio terminal enters the operation mode restriction area, ***the command receiving circuit 31 receives the command superposed on weak radio wave being set [SIC] from the command transmitter 7, and then outputs the received command to the control processing circuit 21 (step S1). Then, the control processing circuit 21 changes the operation mode of radio terminal into an operation mode designated by the command***, making the operation mode holding memory 22 store information of the changed operation mode as well as information of the before-change operation mode [(step S2).] (Emphasis added).

Although this section of Maeda teaches (i) the command receiving circuit 31 receiving a command superposed on a weak radio wave being sent from the command transmitter and then outputting the received command to the control processing circuit 21, and (ii) the control processing circuit changing the operation mode of the radio terminal into an operation mode designated by the command, this section of Maeda, as well as the rest of Maeda, does not teach

or suggest *the device receiving the set of alternative control logic from the second entity*, as recited in claims 11 and 53.

Because Maeda does not disclose all of the elements of either of claims 11 and 53, Maeda fails to anticipate these claims under 35 U.S.C. § 102. Further, without conceding the assertions made by the Examiner regarding dependent claims 16-17, 33, 42, 44-52, 54-56, and 59-61, Applicant submits that Maeda fails to anticipate claims 16-17, 33, 42, 44-52, 54-56, and 59-61 for at least the reason that each of these claims depends from either claim 11 or claim 53 and necessarily includes all of the limitations of either claim 11 or claim 53.

c. Rejections under 35 U.S.C. §§ 102-103 using at least Leason

The Examiner rejected claims 11, 16-17, 33, 42, 44-56, and 59-61 under 35 U.S.C. § 102(e) as being anticipated by Leason. Applicant submits that independent claims 11 and 53 clearly distinguish over Leason, because Leason fails to disclose or suggest all of the limitations of any of these claims. In particular, Leason does not teach or suggest at least the element of *the device receiving the set of alternative control logic from the second entity*, as recited in claims 11 and 53.

In rejecting claims 11 and 53, the Examiner indicated that Leason teaches “when the device is in a given location, the device receiving from a *first entity (110, fig. 1)* a control signal associated with the given location (col. 2, lines 60-67), and the device responsively asking a *second entity (fig. 3, 160)* for a set of alternative control logic to be executed by the device when the device receives the ring signal.” (Office Action mailed August 1, 2006, page 3, section 6, second paragraph, emphasis added). Thus according to the Examiner, Leason teaches that an ‘emitter 110’ is the ‘first entity’ and a ‘circuit 160’ is the ‘second entity.’

Based on the Examiner's assertion that Leason teaches "the device receiving from a first entity (110, fig. 1) a control signal associated with the given location (col. 2, lines 60-67)," Applicant believes the Examiner has asserted that device 130 (a cellular telephone), device 140 (a pager), and/or device 150 (a personal electronic device) is the device that receives from the first entity a control signal associated with the given location. (See, e.g., Leason, Figure 1 and col. 3, lines 33-34).

In rejecting claims 11 and 53, the Examiner also indicated that Leason teaches the device receiving the set of alternative control logic from the second entity and the device storing the set of alternative control logic in data storage. However, it is illogical to assert that Leason teaches the device (e.g., device 130) receiving alternative control logic from the second entity (i.e., the circuit 160, according to the Examiner), because Leason teaches that the device 130 *includes the circuit 160*. (See, e.g., Leason, Figure 1, col. 3, lines 33-35, and col. 4, lines 1-5). Since the device 130 includes the circuit 160, the device 130 cannot receive alternative control logic from the circuit 160 as the device 130 already possesses what the circuit 160 possesses.

Moreover, in asserting that Leason teaches a method comprising the device receiving the set of alternative control logic from the second entity and the device storing the set of alternative control logic in data storage, the Examiner cited to Leason, col. 4, lines 10-20. This section of Leason states:

Thus, if the device were a cellular telephone which is set to alert the user using the acoustic driver (the "acoustic driver" mode), the effect of the circuit 160 is to automatically bypass the user's setting and instead maintain the telephone in the "vibrator" mode until the telephone is outside of the zone of influence 170. On the other hand, if no squelch signal is detected at step 210, then no action is taken. Thus, the alert mode will remain whatever alert mode the user had manually selected and stored in the device, as indicated at step 230, and the stored setting that the user has selected will be maintained as the active setting for responding to any ringing signal until the squelch signal is detected (see arrow 240).

Although this section of Leason teaches that the effect of the circuit 160 is to automatically bypass a user's setting and to maintain the telephone in a "vibrator" mode until the telephone is outside a zone of influence, this section of Leason, as well as the rest of Leason, does not teach or suggest *the device receiving the set of alternative control logic from the second entity*, as recited in claims 11 and 53.

Because Leason fails to disclose all of the limitations of either of claims 11 and 53, Leason fails to anticipate these claims under 35 U.S.C. § 102. Further, without conceding the assertions made by the Examiner regarding dependent claims 16-17, 33, 42, 44-52, and 54-56 and 59-61, Applicant submits that Leason fails to anticipate claims 16-17, 33, 42, 44-52, and 54-56 and 59-61, for at least the reason that each of these claims depends from either claim 11 or claim 53 and necessarily includes all of the limitations of either claim 11 or claim 53.

Further still, since Leason and Maeda both fail to anticipate claims 11 and 53, Applicant submits that claims 11 and 53 are allowable. Without conceding the assertions made by the Examiner regarding claims dependent 40-41, 43, and 57-58, Applicant submits that claims 40-41, 43, and 57-58 are allowable for at least the reason that each of these claims depends from one of allowable claims 11 and 53.

5. Conclusion

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

Further, for the foregoing reasons, Applicant submits that claims 11, 16-17, 33, and 40-61 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the claims.

Respectfully submitted,

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